

# RULE 63 (37 C.F.R. DECLARATION AND POWER TORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below).

below) of the s	ubject matter which is clair	ned and for which a patent is soug E FOR FIBER OPTICS SYSTEM	ht on the <u>INVENTION ENT</u>	TTLED TUNABLE D	ISPERSION	
X A BOX(ES)	. ⊠ is attached hereto.  B. □ was filed on		U.S. Application No.	1		
	<ul> <li>C.  was filed as PCT ble to U.S. or PCT application</li> </ul>	International Application N	0. PUI//	on		
I hereby state the above. I acknow foreign priority be Application which certificate, or PC	at I have reviewed and underst riedge the duty to disclose all in enefits under 35 U.S.C. 119(a) in designated at least one other T International Application, file	and the contents of the above identified and the contents of the above identified aformation known to me to be material to (d) or 365(b) of any foreign application(country than the United States, listed by the or my assignee disclosing the self in opriority claimed, before the filing	o patentability as defined in 37 (s) for patent or inventor's certi elow and have also identified subject matter claimed in this a	C.F.R. 1.56. Except as ficate, or 365(a) of any below any foreign applications.	s noted below, I hereby claim PCT International cation for patent or inventor's	
PRIOR FORE	GN APPLICATION(S) Country	Day/MONTH/Year Filed	Date first Laid- open or Published	Date first Laid- open or Published Or Granted Priority NO		
if more prior for	eign applications. X box <i>at t</i>	ottom and continue on attached page	e.			
Except as noted PCT international application is in a defined in 37 C.F application:	below. I hereby claim domestic I applications listed above or b addition to that disclosed in suc F.R. 1.56 which became availal	priority benefit under 35 U.S.C. 119(e) elow and, if this is a continuation-in-part h prior applications, I acknowledge the between the filing date of each such	or 120 and/or 365(c) of the inc (CIP) application, insofar as duty to disclose all information prior application and the natio	the subject matter discle known to me to be mai nal or PCT internationa	osed and claimed in this terial to patentability as I filing date of this	
PRIOR U.S. P Application N	ROVISIONAL, NONPROV o. (series code/serial no.	SIONAL AND/OR PCT APPLICA Day/MONTH/Year Filed	TION(S) pending, a	Status bandoned, patente	Priority NOT Claimed d	
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I hereby declare further that these Section 1001 of	estatements were made with the Title 18 of the United States Co	n of my own knowledge are true and that the knowledge that willful false statement the and that such willful false statement	ts and the like so made are pu s may jeopardize the validity o	nishable by fine or impr f the application or any	isonment, or both, under patent issued thereon.	
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(1) INVENTOR	S SIGNATURE:	Le Bakely	Date:	8/28/61		
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			Alty. DK	1. NO. <u>P27181</u> (N		

## Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) AND TRADEMARK CASES - RULES OF PR **DUTY OF DISCLOSURE**

... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

#### PATENT LAWS 35 U.S.C.

### Conditions for patentability; novelty and loss of right to patent

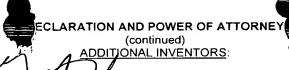
A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- he has abandoned the invention, or
- the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the \_\_(d) applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
  - the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- he did not himself invent the subject matter sought to be patented, or
- before the applicant's invention thereof the invention was made in this country by another who had not T\_(g) abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### §103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Six months for Design Applications (35 U.S.C. 172).



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